

**Environmental Assessment for the Proposed Interim Closure of Furnace Creek  
Canyon Road, White Mountains, Mono County, California  
to Motorized Vehicle Use**

**Environmental Assessment Number EA-CA-650-2003-049**

**United States Department of the Interior  
Bureau of Land Management  
California Desert District  
Ridgecrest Field Office**

**March 7, 2003**

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**CHAPTER 1**

**PURPOSE AND NEED FOR AGENCY ACTION**

The purpose of this document is to assess the effects to the human environment of a proposed interim closure of the primitive vehicle route in Furnace Creek, Mono County, California (Figure 1) to the use of motorized or off-road vehicles. Alternatives to the proposed action, which are limited to the "no action" alternative, are included in the effects analysis. Bureau of Land Management and U.S. Forest Service staff monitoring the Furnace Creek watershed have determined that motorized vehicle use is causing significant adverse impacts to riparian habitat and water quality. Consequently, the need for immediate agency action is of critical importance. Motorized vehicles are defined as "...any motorized vehicle capable of, or designated for, travel on or immediately over land, water, or other natural terrain..." (43 CFR 8340.5). The permanent decision regarding route designation for Furnace Creek will be determined through an amendment of the California Desert Conservation Area Plan (CDCA), which is expected to occur by June 30, 2004.

**CONFORMANCE WITH THE LAND USE PLAN**

The proposed action was reviewed to determine if it conforms to the applicable land use plan as required by 43 CFR 1610.5. The protection of Furnace Creek's significant riparian habitat through this temporary closure proposal is fully consistent with the planned goals and objectives of the CDCA Plan.

The CDCA Plan classifies riparian areas as "Unusual Plant Assemblages" (UPA's), and states that all actions will be avoided that cause adverse impacts to riparian areas, and that positive programs will be initiated to rehabilitate those areas that are in a deteriorated condition. Riparian areas are classified as highly sensitive, and the CDCA Plan states that highly sensitive UPA's "will be treated in a manner which preserves the habitat and ensures the continued existence of the plant assemblages".

## **RELATIONSHIPS TO STATUTES, REGULATIONS, POLICY AND GUIDANCE**

### **California State Water Quality Law and Regulations**

The proposed closure would be consistent with the laws and regulations of the State of California for protecting the surface waters of California from water pollution in the form of sediment discharge. Specifically, the State Porter-Cologne Water Quality Control Act and the Lahontan Basin Plan for the Lahontan Region implement water quality requirements of the federal Clean Water Act. The Lahontan Basin Plan states in Section 4.11 that;

The U.S. Forest Service and the Bureau of Land Management designate ORV route on public land and prohibit operation away from these routes. ORV use may be further restricted during extremely dry conditions in order to prevent fires, and during wet conditions when excessive soil disturbance is likely. However, illegal use does and can occur. Compliance should be encouraged via well planned and targeted public education efforts, as well as strict enforcement of regulations. Regional Board staff should continue to review and comment on proposed changes in ORV management plans of public agencies. These agencies should be encouraged to monitor the water quality impacts of legal ORV use, and to modify or close routes where water quality problems are occurring.

### **California State Fish & Game Regulations**

Section 1600 of the California Department of Fish and Game Regulations concerns management of streambeds and makes it a violation for anyone to alter streambeds without an authorization obtained from the agency.

### **Executive Order #11644: Use of off-road vehicles on the public lands (Feb. 8 1972 and amended in May 24, 1977)**

Section 9 of Executive Order #11644 concerns Special Protection of the Public Lands. Subsection (a) states, "Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

### **BLM National Policy – Conditions of Use for Off-Road Vehicles – 43 CFR 8341**

Bureau of Land Management's regulatory policy concerning the use of off-road vehicles on public lands is found in 43 CFR 8341. Whenever the authorized officer determines that OHV use will cause or is causing considerable adverse effects on resources (soil, vegetation, wildlife habitat, cultural, historic, scenic, recreation, or other resources), the

area must be immediately closed to the type of use causing the adverse effects. The closure must remain in force only until the adverse effects are eliminated and measures to prevent their recurrence have been implemented (whichever occurs first). A considerable adverse environmental effect resulting from the use of off-road vehicles is defined in 43 CFR 8341 as any environmental impact that causes:

(a) significant damage to cultural or natural resources, including but not limited to historic, archaeological, soil, water, air, vegetation, scenic values; or

(b) significant harassment of wildlife and/or significant disruption of wildlife habitats;...and is irreparable due to the impossibility or impracticality of performing corrective or remedial action.

## **CHAPTER 2**

### **PROPOSED ACTION**

The proposed action is to temporarily close the BLM route through the Furnace Creek canyon. The road will be closed to all motorized vehicle use 1.25 miles below the U.S. Forest Service / BLM boundary through an administrative closure order issued by the BLM Authorized Officer (Field Manager) and published in the federal register. A locked gate and information/regulatory signs would be installed at the point of closure. Additional information would be posted 0.25 miles downstream from the closure at a location suitable for parking and/or turning vehicles. Exemptions to the interim closure to motorized vehicles may be granted to law enforcement and other emergency vehicles in the course of official duties, and to BLM and U.S. Forest Service employees performing official duties. An exemption would also be granted to those involved with ranching activity associated with the Whitewolf Ranch Allotment and to Native Americans for traditional purposes.

### **NO ACTION ALTERNATIVE**

Under the no action alternative the Furnace Creek road would remain open to the operation of motorized vehicles. This is the current management situation.

### **OTHER ALTERNATIVES CONSIDERED BUT REJECTED**

A seasonal closure was considered but rejected because such a closure would not provide an effective solution necessary to alleviate environmental damage resulting from motorized vehicle travel. The primary impacts associated with this route are in the form of soil loss, streambed alteration, vegetation damage, and sediment discharge. These impacts would not be mitigated by a seasonal closure.

## CHAPTER 3

### **AFFECTED ENVIRONMENT**

Furnace Creek is located on the eastern side of the White Mountains, Mono County, California. The motorized vehicle route on public land administered by the BLM is approximately 3.8 miles in length (Figure 1). To date, no RS 2477 right-of-way assertion has been brought to the BLM California Desert District regarding Furnace Creek (personal communication, Rich Boardman, Mono County Public Works Director). The proposed closure is located 1.25 miles below the boundary with the U.S. Forest Service. The riparian zone begins immediately after the closure and extends into U.S. Forest Service public land. The total length of riparian zone on BLM public land is approximately 1.0 mile. The route crossed the stream channel seven times at the time of field inspection. The route through Furnace Creek is an open vehicle corridor surrounded by the White Mountain Wilderness Study Area (WSA) as designated by the California Desert Protection Act of 1994 (Public Law 103-433, Sec. 105). The width of the corridor has been interpreted by BLM to be 60 feet (30 feet on either side of the centerline of the existing dirt road). Any barrier constructed will be primarily outside the WSA. This area is also within the Whitewolf Grazing Allotment and the East Slope of the White Mountains Wildlife Habitat Management Area.

Furnace Creek supports a Cottonwood / Willow Streamside Woodland, considered an Unusual Plant Assemblage in the CDCA Plan. The stream reach is also composed of other riparian/wetland dependant vegetation. Monitoring conducted during November 2002 and February 2003 indicates that the Furnace Creek fluvial system is not meeting the BLM's standards for a properly functioning riparian system. Presently, portions of the Furnace Creek drainage are considered "functional-at risk". Riparian-wetland areas are considered "functional-at risk" when an existing soil, water, or vegetation attribute makes them susceptible to degradation. Presently, there are seven locations in Furnace Creek where the route crosses the stream. Two of these locations are exhibiting significant erosion. Erosion in both locations is contributing excessive sediment to the adjacent riparian area. Moreover, both locations are beginning to form head-cuts. Head-cuts are a fluvial geomorphic feature indicative of unstable conditions. The proposed closure order would be consistent with protecting and restoring Furnace Creek to a properly functioning riparian system.

The area is lacking thorough biological surveys. Rarefind (California database) revealed no special status species for this area. Bird surveys were conducted in nearby Cottonwood Creek drainage from April to July 2002. The area is potentially suitable habitat for the Least Bell's Vireo and the Southwestern willow flycatcher, both federal endangered species. Neither species was observed while conducting surveys. Potential mammal species include the pallid bat (*Antrozous pallidus*), the pale big-eared bat (*Corynorhinus townsendii*) and desert bighorn sheep. The presence of desert bighorn sheep is documented in the White Mountains but not specifically in Furnace Creek. However, Furnace Creek is included within the range of an important migration corridor

for desert bighorn sheep. Vermillion flycatchers are found in riparian areas in Deep Springs Valley but no records exist from this area. Swainson's hawks have been found further south in Fishlake valley. Neotropical migrants use riparian areas during migration, making these areas extremely important. Long-eared owls use riparian areas for nesting and winter use. Furnace Creek is within the range of Sage Grouse. Sage Grouse were once common but numbers have declined due to habitat loss. Furnace Creek is also within the range of several reptile and amphibian species including Mount Syell salamander (*Hydromantes platycephalus*), the mountain yellow-legged frog (*Rana muscosa*) and the rubber boa (*Charina bottae*). Finally, the Panamint alligator lizard has been trapped in the White Mountains and likely occurs in the vicinity of the Creek.

## CHAPTER 4

### ENVIRONMENTAL CONSEQUENCES

This chapter discloses the anticipated impacts of the proposed action to affected resources in the Furnace Creek Drainage.

<u>CRITICAL ELEMENT</u>	<u>PRESENT</u>		<u>AFFECTED</u>	
	Yes	No	Yes	No
Air Quality	X			X
ACECs		X		X
Cultural Resources		X		X
Farmlands, Prime/Unique		X		X
Floodplains	X			X
Native American Religious Concerns		X		
T & E Species - wildlife		X		
T & E Species - plant		X		
Wastes, Hazardous/Solid		X		X
Water Quality	X			X
Wetlands/Riparian Zones	X			X
Wild & Scenic Rivers		X		X
Wilderness & WSAs	X			X
Paleontological Resources		X		X
Wildlife	X			X
Soils	X			X
Vegetation	X			X
Wild Horse & Burros	X			X
Livestock	X			X
Minerals		X		X
Realty		X		X
Recreation	X		X	

The proposed action would have a positive impact on the riparian / wetland vegetation located in the Furnace Creek drainage. Short-term effects of the interim closure action may be difficult to measure but would contribute to stabilizing the wetland soils from erosion caused by motorized vehicles. Long-term effects would depend on the duration of the road closure and the degree of recovery of the area from erosion and sedimentation caused by vehicles. With the removal of motorized vehicles from the drainage, the riparian habitat could be restored to the point where the system meets or exceeds the BLM's national standards for a properly functioning riparian system. Furthermore, the proposed action would have a positive impact on water quality through the reduction of sediment discharge. Overall water quality would improve along with the restoration of the riparian system.

The proposed interim closure of the canyon to motorized vehicles would be consistent with the protection of streambeds and their associated wildlife resources by excluding vehicles from operating directly in the streambed and associated riparian areas. A reduction in the amount of disturbance and the enhancement of riparian habitat resulting from the proposed action would provide positive benefits for many wildlife species. Bats would benefit from the presence of a more stable source of water as well as the increase in insects. Bighorn sheep may benefit from the lack of disturbance of OHVs as well as a more stable source of water. Nesting birds would benefit from the elimination of OHVs and the associated noise. The density of nesting birds should increase. However, this measurement is impossible to quantify without baseline data. Migrants would benefit similarly. Long-eared owls would have improved cover from the increased riparian canopy. Sage grouse may benefit from the reduced impact of people during breeding. The amphibians would benefit from a more stable water regime. Increased shade from the denser riparian community would provide more suitable water temperatures for amphibian reproduction. The Panamint alligator lizard, if present, would benefit in improved habitat and less disturbance from OHV activity.

The proposed action would have a positive impact on non-motorized recreation in the canyon such as hiking, bird watching, plant study, photography, and backpacking. However, the proposed action would have a negative impact on motorized recreation by adversely affecting those who seek a motorized vehicle experience in a remote backcountry setting.

The proposed action would benefit riparian resources on U.S. Forest Service public land located in the higher elevations of Furnace Creek. In December, the Inyo National Forest completed an Interdisciplinary Team (ID) analysis of Furnace Creek on U.S. Forest Service public lands. The ID Team determined that conditions within the Furnace Creek drainage are not compliant with the 1988 Forest Plan and the 2001 Sierra Nevada Forest Plan Amendment due to riparian vegetation damage, and slight degradation of riparian and aquatic-dependent species habitat resulting from motorized vehicle use in Furnace Creek canyon. The interim closure would inhibit vehicular access to U.S. Forest Service public lands.

Under the "no action" alternative, motorized vehicles will continue to use the primitive vehicle route. Impacts from motorized vehicles will promote erosion and sedimentation in the riparian areas of Furnace Creek. Consequently, Furnace Creek may never become a properly functioning riparian system.

## **CHAPTER 5**

### **MITIGATION MEASURES AND RESIDUAL IMPACTS**

Since this proposal is not expected to cause any significant adverse environmental impacts, no mitigation measures are proposed and no residual impacts are anticipated.

## **CHAPTER 7**

### **LIST OF PREPARERS (INTERDISCIPLINARY TEAM)**

Resources Management Branch Chief  
Supervisory Recreation Branch Chief  
Natural Resource Specialist  
Wildlife Biologist  
Wilderness Specialist

Jeffrey B. Aardahl  
Steve Smith  
J.W. Newton  
Bob Parker  
Marty Dickes

## **CHAPTER 8**

### **LITERATURE REVIEWED**

Bureau of Land Management (BLM). 1980a. *The California Desert Conservation Area Plan*. USDI Bureau of Land Management, California Desert District. Riverside, California. 173 pages plus appendices.

Bureau of Land Management (BLM). 1998. *Riparian Area Management. Proper Functioning Condition Workgroup. Technical Reference 1737-9*. USDI BLM Service Center, P.O. Box 25047, Denver CO 80225-0047. 51 pages.

Office of the Federal Register. 1998. *43 Code of Federal Regulations (CFR). Part 1000 to end*. U.S. Government Printing Office. Washington, D.C. 1059 pages.

Water Quality Control Plan for the Lahontan Region North and South Basins. 1994. California Regional Water Quality Control Board. 494 pages.

**FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD.**

I have reviewed this environmental assessment and have determined that the proposed action will not result in any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed project is in conformance with the approved land use plan. It is my decision to implement the action as described.

Prepared By:



J.W. Newton, Natural Resource Specialist

Date: 3/10/03


Reviewed By:



Jeff Aardahl, Resource Branch Chief

Date: 3/10/03

Authorized Officer:



Hector Villalobos, Field Office Manager

Date: 3/11/03